

AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2609

Introduced by Assembly Member Evans
*(Coauthors: Assembly Members Berg, Shirley Horton, Koretz,
Laird, Lieber, and Pavley)*
(Coauthor: Senator Romero)

February 24, 2006

An act to add Section 1569.69 to the Health and Safety Code, relating to residential facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as amended, Evans. Residential facilities for the elderly: employee training.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

This bill would require, *beginning January 1, 2008*, that a licensed residential care facility for the elderly ensure that each employee of the facility who assists residents with the self-administration of medications meet specified employee training requirements set forth in the bill. *The bill would require these employees to pass an examination subsequent to completion of the training.* The bill would require that each residential care facility that provides employee training pursuant to these provisions maintain certain records and documentation related to that training. It would also provide that a facility, *licensed to provide care for 16 or more persons* require a

consultant pharmacist or nurse to review the facility's medication management program and procedures at least twice a year. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.69 is added to the Health and
- 2 Safety Code, to read:
- 3 1569.69. (a) Each residential care facility for the elderly
- 4 licensed under this chapter shall ensure that each employee of the
- 5 facility who assists residents with the self-administration of
- 6 medications meets the following training requirements:
- 7 (1) ~~The~~ *In facilities licensed to provide care for 16 or more*
- 8 *persons, the employee completes 16 hours of initial training prior*
- 9 *to independently assisting residents with self-administration of*
- 10 *medications, including eight hours of classroom instruction and*
- 11 *eight hours of hands-on shadowing training.*
- 12 ~~(2) The training required in paragraph (1) shall include eight~~
- 13 ~~classroom hours and eight hours of hands-on shadowing training,~~
- 14 ~~and shall cover all of the following areas:~~
- 15 *(2) In facilities licensed to provide care for 15 or fewer*
- 16 *persons, the employee completes eight hours of initial training*
- 17 *prior to independently assisting residents with the*
- 18 *self-administration of medications, including six hours of*
- 19 *classroom instruction and two hours of hands-on shadowing*
- 20 *training.*
- 21 *(3) The training shall cover all of the following areas:*
- 22 (A) The role and responsibilities of unlicensed staff.
- 23 (B) An explanation of the terminology, abbreviations, and
- 24 symbols specific to medication assistance.

1 (C) An explanation of the different types of medication orders:
2 Prescription, over-the-counter, controlled, and other medications.

3 (D) A description of the types of illnesses and conditions that
4 certain medications are used to treat, and of commonly used
5 geriatric medications.

6 (E) An explanation of the basic rights of medication
7 assistance, including basic rules and precautions.

8 (F) Information on common medication dosage forms and
9 routes for medication.

10 (G) A description of necessary preparation and assistance with
11 self-administration of medications in and out of the facility, and
12 information on medication documentation systems.

13 (H) An explanation of guidelines for the proper storage,
14 security, and documentation of centrally stored medications.

15 (I) A description of the processes used for medication
16 ordering, refills and the receipt of medications from the
17 pharmacy.

18 (J) An explanation of medication side effects, adverse
19 reactions, and errors.

20 (b) Following the training required in subdivision (a), each
21 employee shall pass a ~~60-question~~ competency examination with
22 ~~an 80~~ a 70 percent minimum score prior to independently
23 assisting residents with the self-administration of medications.
24 The examination shall cover the subjects covered in the training
25 and each test that receives a passing score shall be signed by the
26 trainee and trainer, and, *for those facilities described in*
27 *paragraph (1) of subdivision (a)*, reviewed by a pharmacist or
28 nurse during a semiannual consultation.

29 (c) Each employee who received training and passed the exam
30 required in subdivision (b) shall also complete four hours of
31 inservice training in each succeeding 12-month period.

32 (d) *The requirements set forth in subdivisions (a), (b), and (c)*
33 *do not apply to persons who are licensed health care*
34 *professionals. Each residential care facility for the elderly that*
35 *provides employee training under this section shall use the*
36 *training material and the accompanying examination that are*
37 *developed by, or in consultation with, a licensed nurse,*
38 *pharmacist, or physician. The licensed residential care facility for*
39 *the elderly shall maintain the following documentation for each*
40 *medical consultant used to develop the training:*

1 (1) The name, address, and telephone number of the
2 consultant.

3 (2) The date when consultation was provided.

4 (3) The consultant's organization affiliation, if any, and any
5 educational and professional qualifications specific to medication
6 management.

7 (4) The training topics for which consultation was provided.

8 (e) Each person who provides employee training under this
9 section shall meet the following education and experience
10 requirements:

11 (1) A minimum of eight hours of certified continuing
12 education or three semester units, or the equivalent, from an
13 accredited educational institution, on topics relevant to
14 medication management.

15 (2) The person shall meet ~~either~~ *any* of the following practical
16 experience *or licensure* requirements:

17 (A) Current employment as a consultant with expertise in
18 medication management.

19 (B) Two years full-time experience, or the equivalent, within
20 the last four years, as an administrator for a residential care
21 facility for the elderly or as a direct care provider.

22 (C) *Possession of a professional health care license.*

23 (3) The licensed residential care facility for the elderly shall
24 maintain the following documentation on each person who
25 provides employee training under this section:

26 (A) The person's name, address, and telephone number.

27 (B) Information on the topics or subject matter covered in the
28 training.

29 (C) The time, dates, and hours of training provided.

30 (f) The training may be offsite, and the trainer may use various
31 methods of instruction, including, but not limited to, all of the
32 following:

33 (1) Lectures by presenters who are knowledgeable about
34 medication management.

35 (2) Video instruction tapes, interactive material, and books.

36 (3) Other written or visual materials approved by
37 organizations or individuals with expertise in medication
38 management.

39 (g) The licensed residential care facility for the elderly shall
40 maintain in its personnel records documentation for each

1 employee who completes the training that includes the date,
2 hours provided, and names of staff in attendance, and method of
3 instruction used. The documentation required by this subdivision
4 shall meet the following requirements:

5 (1) The documentation be retained for at least three years
6 following the date consultation services or training were
7 provided.

8 (2) The licensed residential care facility for the elderly agency
9 shall be entitled to inspect, audit, remove if necessary, and copy
10 this documentation upon demand during normal business hours.

11 (3) The licensed residential care facility for the elderly shall
12 maintain in the personnel records documentation on the ongoing
13 training required and include the training topics covered.

14 ~~(h) The licensed residential care facility for the elderly shall~~
15 ~~ensure that a consultant pharmacist or nurse review the facility's~~
16 ~~medication management program and procedures at least twice a~~
17 ~~year.~~

18 *(h) Residential care facilities for the elderly licensed to*
19 *provide care for 16 or more persons shall ensure that a*
20 *consultant pharmacist or nurse review the facility's medication*
21 *management program and procedures at least twice a year.*

22 *(i) This section shall become operative on January 1, 2008.*

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the
28 penalty for a crime or infraction, within the meaning of Section
29 17556 of the Government Code, or changes the definition of a
30 crime within the meaning of Section 6 of Article XIII B of the
31 California Constitution.